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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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GE.01-13074 (E)

The meeting was called to order at 3.40 p.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2001/L.15)

Draft resolution on the right to development (E/CN.4/2001/L.15)

1. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the States members of the Non-Aligned Movement and China, said that it was a product of very protracted and intense negotiations, which was understandable both because the Commission had for the past two sessions adopted procedural resolutions on the subject and because no inter-sessional work had been done by the open-ended Working Group on the right to development between the Commission's fifty-fifth and fifty-sixth sessions.

2. The Group had, however, held two sessions between the fifty-sixth session and the current session and the substance of the draft resolution was based almost entirely on the outcome of those two sessions and on the conclusions of its Chairperson. The members of the group had agreed on the need for further and serious reflection on the future operationalization of the right to development and, to that end, the draft resolution requested the Economic and Social Council, through the Commission, to extend the mandates of the Working Group and the independent expert by one year and three years respectively.

3. The difficult areas in the negotiations had proved to be those relating to the functioning of the international economic and financial institutions, as well as the multilateral trading system, and their impact on the enjoyment of human rights. His delegation was pleased to note that the European Union had joined a consensus on the draft resolution and, in an attempt to accommodate all its partners, it had a number of revisions to make to the text.

4. In the first paragraph, the words "as well as comments submitted thereon" should be added at the end. In the tenth paragraph, the words "a discussion on" should be inserted after "the need for", and the words "in the Working Group on the right to development" should be added at the end.

5. Paragraph 21 was to be reworded to read:

> "*Recognizes*, while bearing in mind the existing efforts in this respect, that it is necessary to enhance efforts to consider and evaluate the impact of international economic and financial issues on the enjoyment of human rights such as:
>
> (a) international trade issues;
>
> (b) access to technology;
>
> (c) good governance and equity at the international level; and
>
> (d) debt burden."

6. Lastly, in the third line of paragraph 22, the following should be inserted between commas after "human rights": "starting by analysing the existing efforts and means of assessing and evaluating such an impact".

7. With those changes to facilitate a consensus, especially with regard to the European Union, his delegation hoped that the Commission would adopt the draft resolution without a vote.

8. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Burundi, Brazil, Colombia, Costa Rica and Uruguay and the observers for the Dominican Republic, El Salvador and Nicaragua had become sponsors of the draft resolution.

9. Mr. MERCKX (Belgium), speaking on behalf of the European Union, said that the Union attached great importance to progress being made on the right to development, and had engaged in serious negotiations during the two sessions of the Working Group. The Group had been unable to conclude its deliberations, and the Union had signalled its willingness to renew the mandate of the follow-up mechanism established by the Economic and Social Council in its decision 1998/269, namely, the Group and the independent expert on the right to development.

10. The Union reiterated its support for a consensus outcome in the Group, which should be reached before the Commission took action on the Group's work and on the future handling of the right to development. The Union would thus have preferred that a procedural resolution be adopted by the Commission at the current stage of the negotiations in order to allow the Group to conclude its deliberations.

11. The Union noted that it had not been possible to reach an agreement among the members of the Commission, and that the very important draft resolution under consideration had been negotiated in a limited time. While the Union appreciated the flexibility shown by the States members of the Non-Aligned Movement in accommodating its concerns, it would still have preferred to continue negotiations in order to ensure an added value of the Working Group within the United Nations system.

12. As for the substantive issues raised in the negotiations, the Union had already submitted its views in writing to the Group. Further work was clearly needed to achieve consensus on all aspects and dimensions of the right to development, and the Union remained committed to that exercise. It would welcome further studies by the independent expert on, for example, the role of civil society, good governance, the rule of law, corruption, illicit arms trade and military expenditure, and how those issues might have an impact on the realization of the individual's right to development. It hoped that the Chairperson's conclusions would be reviewed and further developed at the Group's future sessions so that an agreement could be reached on ways of making the right to development a reality for everyone.

13. Mr. ADIYIA (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Working Group on the right to development for one year and

the mandate of the independent expert for three years. The cost of the extensions of the mandates would amount to US$ 31,800 per year, and the relevant provisions had been included in the Programme Budget for the current biennium, and the proposed programme budget for the biennium 2002-2003, so no additional resources would be required.

14. Mr. HARAGUCHI (Japan), speaking in explanation of vote before the voting, said that his Government attached great importance to realization of the right to development, and called upon all States and relevant international organizations and civil societies to make every effort to realize it through a practical and constructive dialogue. His delegation was willing to continue to participate in such efforts and to engage itself in international cooperation, including extending Official Development Assistance (ODA) to those developing countries which had been making genuine development efforts.

15. Noting that the conclusion of the Working Group had failed to enjoy consensus, he said that the draft resolution did not adequately address his Government's views on the right to development and would thus not serve as a sustainable basis for further consideration of that important right. For those reasons, his delegation would vote against the draft resolution. However, it would continue to pay due attention to the views of those who voted in favour, especially those developing countries that might wish to demonstrate through their own actions how they intended to proceed with the notion of the development compact.

16. Ms. GERVAIS-VIDRICAIRE (Canada), said that Canada was strongly supportive of the Declaration on the Right to Development and of the link between that right and respect for the full range of rights set out in the two International Covenants of Human Rights. Her delegation had been pleased with the open, constructive and practical dialogue in the Working Group but, while there might have been a coalescing of views on particular issues, there has been no consensus regarding the central ones, and it was unfortunate that the draft resolution contained numerous elements that had not garnered consensus. Her delegation thus had serious reservations about several of its paragraphs.

17. With regard to paragraph 10, it was premature to include a reference to a permanent follow-up mechanism, as the subject had never been discussed in the Working Group and was clearly controversial. As for paragraphs 21 and 22, discussions in the Working Group and consultations had shown that there was no agreement on the need to evaluate and address in the Commission the impact of a variety of international, economic and financial issues on human rights. Her delegation would not support the proposal for the independent expert to undertake such a study because it would be beyond the limits of the capacity of the Commission, the independent expert and the Working Group, and efforts and resources should be devoted to more focused goals. She requested that a separate vote be taken on paragraphs 10, 21 and 22. Her delegation would vote against them, and she urged all delegations to do likewise. On the resolution as a whole, her delegation would abstain.

18. Mr. MOOSE (United States of America) associated his delegation with the statements made by the representatives of Japan and Canada, and said that, when the Working Group had convened in September 2000, there had been hopes that cooperation and progress would be made

on the right to development after a decade of contentious disagreements. The decision of the sponsors of the resolution at the General Assembly session the previous year to adopt a procedural resolution for the first time had reinforced the seriousness of the dialogue, and the inclusion of experts from the international financial institutions in the Group's discussions had been a positive development. However, by the end of the Group's second session, it was clear that there was no consensus regarding its conclusions, as proposed by its Chair.

19. Among the concerns his delegation had expressed were the need for a more concrete definition of the right to development, the need to focus more on its national aspects, and the questionable utility of asking the independent expert to compile a study of international economic and financial issues. The draft resolution included many of the conclusions that had resulted in the Group's failure to achieve consensus. His delegation had serious reservations about them and would have preferred that the draft resolution's sponsors defer discussion of those issues until future sessions of the Working Group. For those reasons, his delegation deeply regretted that it had no choice but to vote against the draft resolution.

20. Mr. CHUNG Eui-yong (Republic of Korea), said that his delegation was committed to the Declaration on the Right to Development and supported its principles and spirit. Although agreement had not been reached during the two recent sessions of the Working Group, it had been the principle of consensus which had guided the discussions. Strenuous efforts had also been made during the current session of the Commission to forge a consensus on the elements included in the draft resolution. Believing that the draft resolution should be adopted by consensus, rather than by a vote, since the issue really required each country's voluntary engagement and effective international cooperation, his delegation would abstain if the question were put to the vote.

21. Ms. GLOVER (United Kingdom) said that her delegation had participated actively in the Working Group and regretted that it had not been possible to arrive at a consensus outcome. It believed that the prospects for arriving at consensus would have been improved if there had been more willingness to agree to disagree on certain issues - especially international economic issues and the wisdom, or otherwise, of a permanent follow-up "monitoring" mechanism - and to identify a pragmatic way forward with regard to the future work of the independent expert and the Working Group. The Group's report needed to reflect the full diversity of views expressed. Consensus could not be imposed and it was regrettable that some of the controversial and unresolved issues had been included in the earlier draft of the resolution.

22. The draft resolution set unhelpful parameters for future discussions on the right to development: specifically, the focus had shifted away from the primary responsibility of States at national level towards a more abstract debate on international issues, particularly international economic issues, and that had raised questions about the credibility and competence of the Commission in the field. Her delegation would vote against paragraphs 10, 21 and 22, and would abstain on the draft resolution as a whole.

23. Mr. BERGH JOHANSEN (Norway) said that his delegation would vote in favour of the draft resolution as a whole to mark its support for the right to development and the process that was under way. He appreciated the efforts of the delegation of South Africa to reach a result that was acceptable to all members of the Commission, but the discussion had taken a direction his delegation could not fully endorse - mainly that of stressing international economic issues at the expense of the responsibility of the State for the implementation of the right to development. His delegation would abstain on some paragraphs of the draft resolution.

24. Mr. MONTWEDI (South Africa) requested that the vote on the deletion of paragraphs 10, 21 and 22 from the draft resolution be taken by roll-call.

25. Mr. AMAT FORÉS (Cuba) said that, since the draft resolution was a text that had been submitted on behalf of the States members of the Non-Aligned Movement, those States had a duty to defend the text and should vote against the proposal by the Canadian delegation to delete paragraphs 10, 21 and 22.

26. At the request of the representative of South Africa, a vote was taken by roll-call on the proposed deletion of paragraph 10 from the draft resolution.

27. India, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Canada, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Kenya, Latvia, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Portugal, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Abstaining: Norway, Poland, Republic of Korea, Romania.

28. Paragraph 10 of the draft resolution was retained by 45 votes to 4, with 4 abstentions.

29. At the request of the representative of South Africa, a vote was taken by roll-call on the proposed deletion of paragraph 21 from the draft resolution.

30. Cameroon, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Canada, Germany, Japan, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Guatemala, India, Indonesia, Italy, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Portugal, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Abstaining: Latvia, Norway, Republic of Korea, Romania.

31. Paragraph 21 of the draft resolution was retained by 43 votes to 6, with 4 abstentions.

32. At the request of the representative of South Africa, a vote was taken by roll-call on the proposed deletion of paragraph 22 from the draft resolution.

33. Saudi Arabia, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Canada, Japan, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Portugal, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Abstaining: Latvia, Norway, Republic of Korea, Romania.

34. Paragraph 22 of the draft resolution was retained by 44 votes to 5, with 4 abstentions.

35. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution, as orally revised by the sponsors, as a whole.

36. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Kenya, Latvia, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Japan, United States of America.

Abstaining: Canada, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.

37. The draft resolution, as orally revised, was adopted by 48 votes to 2, with 3 abstentions.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/2001/L.2/Rev.1 and L.13)

Draft resolution on the human rights situation of the Lebanese detainees in Israel (E/CN.4/2001/L.2/Rev.1)

38. Mr. ATTAR (Saudi Arabia), introducing the draft resolution, of which the representatives of Indonesia, the Syrian Arab Republic and Viet Nam had become sponsors, drew particular attention to the preambular paragraphs referring to the Lebanese detainees in Israeli prisons without trial and to the question of the landmines left behind in southern Lebanon. There were two changes to be made to the text: the sixth preambular paragraph should read: "*Deploring* the failure of the Government of Israel to submit all the maps showing the deployment of those landmines" and, in paragraph 4, second line, the word "deployed" should be replaced by the word "laid".

39. Mr. NASR (Observer for Lebanon) urged the Commission to adopt the draft resolution, which had everything to do with human rights. Civilian detainees were held incommunicado and tortured in Israeli prisons - some having been abducted from their homes and subsequently transferred to Israel, in violation of international law - and denied visits by the International Committee of the Red Cross (ICRC).

40. Equally important was the question of the approximately 150,000 landmines still in Lebanese soil, which not only claimed victims daily but also prevented farmers from cultivating their fields. If that was not a matter of human rights, he wondered what was the point of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. It was notable that there had been no cases of landmine accidents when the Israeli army was circulating throughout the area, which meant that Israel must possess detailed maps. It had not delivered all of them to the United Nations. The accusation by the Permanent Mission of Israel that the landmines had been planted by the Lebanese resistance was absurd. It was beyond belief that the resistance could deploy thousands of landmines under the watchful eyes of the Israeli army.

41. Mr. LEVY (Observer for Israel) recalled that his Government had unilaterally withdrawn its forces from Lebanon on 24 May 2000, as confirmed by the Security Council and the Secretary-General. It had handed over to the United Nations Interim Force in Lebanon (UNIFIL) maps of the landmines laid in southern Lebanon, as confirmed by a senior UNIFIL

officer on 1 June 2000; a copy of the transfer certificate appeared in his Government's note verbale of 11 April 2001 (E/CN.4/2001/154). The Lebanese Government had the responsibility to maintain the minefields, once the maps had been transferred, but had failed to do so for its own reasons. Verbal condemnation of Israel by the Commission was therefore inappropriate.

42. Under Security Council resolution 425 (1978), Lebanon was obliged to establish effective authority in the area. Yet the Government still allowed terrorist groups, such as the Hezbollah, to operate freely against Israel; and when Israel was attacked it was bound to respond. Any Israeli action in southern Lebanon must therefore be put in the context of its response to attacks and shelling by the Hezbollah.

43. There were always glaring omissions in texts and debates in the Commission regarding the Middle East. At the current session, one omission concerned the four Israeli detainees - three soldiers and one civilian - kidnapped in Israel by the Hezbollah in October 2000. By allowing an armed group to hold Israeli detainees incommunicado for the past six months on its sovereign territory, the Lebanese Government was failing to discharge its responsibilities under international law. Such facts should be included in any resolution. A vote in favour of the resolution would contribute to the distortion of reality and thus fail to bring peace to the region.

44. Mr. AMAT FORÉS (Cuba) said that Cuba had been inadvertently omitted from the list of sponsors of the draft resolution.

45. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no financial implications.

46. Mr. MOOSE (United States of America), speaking in explanation of vote before the vote, said that the draft resolution was another unbalanced response to the tragic events in the Middle East. It would have been more appropriate to welcome Israel's compliance with Security Council resolution 425 (1978), thus marking a successful conclusion to the consideration of the human rights situation in southern Lebanon and west Bakaa. The draft resolution merely echoed earlier resolutions without taking cognizance of the fundamental change which had occurred in the region since the Commission's previous session. The failure to mention that the Secretary-General had certified Israel's withdrawal behind the "blue line" reflected badly on the Commission. Moreover, the "singling out" of Israel only undermined efforts to rebuild confidence and to restart negotiations between the parties. The tragic events of the previous weekend showed that realistic negotiations were the way forward.

47. Mr. MERCKX (Belgium) explaining the position on the draft resolution of the European Union and the associated countries of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Slovakia and Slovenia, said that although the Union had supported resolutions on the human rights situation in southern Lebanon and west Bakaa during the Israeli occupation, it was unable to support the draft resolution under consideration, since it dealt mainly with issues which either lacked a clear relation to its title or fell within the competence of other United Nations bodies. The Union reiterated its endorsement of the Secretary-General's certification of the Israeli withdrawal from South Lebanon and urged the Government of Lebanon to resume its effective authority in that area.

48. The Union continued to be concerned at the imprisonment of several Lebanese citizens who had been arrested in the then occupied area and transferred to Israel in violation of the Fourth Geneva Convention. It urged the Government of Israel to allow the ICRC to visit the two Lebanese citizens who continued to be detained without charge.

49. Mr. CHUNG Eui-yong (Republic of Korea) said that his delegation took a keen interest in the situation in the Middle East, as evidenced by its record of support for resolutions aimed at furthering human rights in the region. His delegation would have supported the draft resolution under consideration if it had not been for the paragraphs referring to anti-personnel landmine issues - which had little relevance to human rights.

50. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

51. Canada, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Algeria, Argentina, Brazil, Burundi, China, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Qatar, Saudi Arabia, Senegal, South Africa, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Against: United States of America.

Abstaining: Belgium, Cameroon, Canada, Czech Republic, France, Germany, Guatemala, Italy, Japan, Latvia, Liberia, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland.

52. The draft resolution was adopted by 33 votes to 1, with 19 abstentions.

Draft resolution on the situation of human rights in China (E/CN.4/2001/L.13)

53. Ms. TAHIR-KHELI (United States of America), introducing the draft resolution, said that, although the Chinese Government deserved credit for the rapid strides made by the country in recent years, the Commission was also obliged to face the shortcomings in China's human rights practices. The draft resolution was both fair and balanced and she wished to assure the Commission that her delegation was not introducing it for political reasons or for the purposes of confrontation. The United States had a deep and important relationship with China, which was expected to grow and prosper. Indeed, the new Administration was working at the highest levels to ensure that relations between the two countries remained cordial.

54. The draft resolution, however, concerned human rights, not bilateral relations. If the Commission was to defend human rights, it must robustly affirm that they applied to every country at all times. No country should expect to be exempted from scrutiny. It should matter to

so pre-eminent a human rights body that the Chinese Government systematically violated the human rights of its citizens. She thus urged the members of the Commission to uphold the principle of the universality of human rights by voting in favour of the draft resolution.

55. Mr. QIAO Zonghuai (China) said that his delegation resolutely opposed the draft resolution. In accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, he wished to move that the Commission should take no action on the draft resolution which was devoid of facts, self-contradictory and full of absurdities.

56. Over the past 12 years, the delegation of the United States of America had introduced 10 such initiatives against China. Its yearly assertion that the human rights situation in China was deteriorating was made in total disregard of reality.

57. Enumerating China's developmental achievements since 1990, he said that the people of China had been enjoying ever higher levels of economic, social and cultural rights. Thanks to his Government's unswerving efforts to strengthen democracy and the rule of law, the people currently enjoyed an unprecedented level of civil and political rights. China had made tangible progress each year in advancing human rights and had thus managed to attain political and social stability.

58. The United States delegation itself would surely not deny the progress made by China in respect of judicial transparency, the rule of law and international cooperation in the field of human rights. Such progress clearly contradicted the slanderous allegations made in the draft resolution, which furthermore amounted to interference in the internal affairs of developing countries and undermined their development efforts under the pretext of concern for human rights.

59. Following a century of humiliation by Western powers, China had finally found a development path tailored to its specificities and supported by its people. Its success was acknowledged by the entire international community. The only concern of the United States was that developing countries should imitate its systems, subscribe to its values and follow its whims. China's success evidently represented an open challenge to the model of democracy and way of development of certain politicians who were bloated with racial supremacy. They dreamed only of destabilizing China and obstructing its development.

60. United States human rights standards were nothing more than double standards. That country refused to reflect on its own rampant racial discrimination which had recently led to violence in Cincinnati. It had also persistently prevented the international community from showing its justified concern at the violation of the human rights of people in the occupied Palestinian territories. Meanwhile, it arbitrarily levelled accusations for reasons of political expediency.

61. The no-action motion was fully justified. The United States delegation could not claim that it was aimed at obstructing discussion of China's human rights situation, since many delegations at the current session had commented on the situation in China, and the Chinese

delegation had also provided information on its own initiative. The United States had repeatedly used no-action motions in other United Nations bodies, yet when developing countries did so, it accused them of seeking special treatment.

62. Such was the logic of a country that sought special treatment everywhere by resorting to force. It had breached its own solemn commitment to environmental protection in disregard of the aspirations of the international community. In the name of exercising its so-called right of surveillance, it sent military planes to violate another country's sovereignty and right to life. That same country had appointed itself judge of human rights and wantonly levelled accusations each year against nearly 200 countries.

63. He urged the Commission to preserve the solemn and objective nature of its work by supporting his delegation's no-action motion.

64. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that the cold war was clearly not yet over. Her delegation deplored the fact that the Commission was being used as a forum for exerting pressure on countries. The question was why the United States delegation had just voted against draft resolution E/CN.4/2001/L.2/Rev.2 if it claimed to be concerned to protect human rights on a non-selective basis. China was a vast country with an ancient civilization which had made a positive contribution to the international community. It enjoyed the highest level of growth in the developing world and deserved to be supported not attacked. China had every right to determine its own system of governance. The no-action motion was perfectly legitimate and merited the Commission's support.

65. Ms. TAHIR-KHELI (United States of America) said that the Government of China was once again seeking to bypass the Commission's normal procedures by submitting a no-action motion. No other nation resorted to such manoeuvres. There was no reason why China should be accorded such special treatment. To support the no-action motion was to ignore the Commission's purpose. Human rights applied to every country at every moment. By custom, law and common understanding, no nation was at liberty to disregard those norms. China should follow the international standards followed by every other country. Discussion of its human rights record did not amount to interference in its internal affairs. The issue therefore was whether the Commission would choose to honour the principles of open debate.

66. Mr. AMAT FORÉS (Cuba) said that the draft resolution was yet another example of how the United States sought to politicize the Commission's debates for its own hegemonic, political purposes. It had for years been accusing China of a deteriorating human rights situation. Meanwhile, China had been improving the living conditions of its population of over 1 billion. Those who were always judging the developing countries should be the ones being asked to answer for their human rights violations within and outside their borders. His delegation would support the motion proposed by the representative of China that no action be taken on the draft resolution.

67. Mr. MERCKX (Belgium), explaining the position on the draft resolution of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Turkey, expressed his regret at the introduction once again of a no-action motion by the delegation of China. It was a matter of

principle for the Union to vote against no-action motions which were clearly aimed at preventing the Commission from dealing with specific country situations; no country, large or small, could be regarded as beyond consideration by the Commission. Such actions not only undermined the principles of transparency and non-selectivity that were essential to the Commission's work but were contrary to the spirit of dialogue. The Union strongly urged the members of the Commission to vote against the motion.

68. While welcoming the ongoing reform of the judicial and legal system in China, the Union remained concerned about the lack of respect for freedom of expression, religion and association, and about ongoing violations of human rights of pro-democracy activists and of followers of movements such as the Falun Gong and about the deprivation of religious and cultural rights in Tibet and Xinjiang. It also remained concerned about the frequent use of the death penalty in China.

69. Mr. AL-HUSSAMI (Syrian Arab Republic) said that the draft resolution before the Commission did not reflect the human rights situation on the ground or take account of the progress made in promoting economic, social and cultural rights or consolidating the rule of law and institutions in China. His delegation would therefore support the procedural motion put forward by the Chinese delegation.

70. Mr. PARSHIKOV (Russian Federation) said that his Government had, for many years, been conducting bilateral consultations with China on human rights issues, as had many other States. Such contacts were the best way of having a dialogue with a great Power such as China. To force it to discuss the issue in the Commission, where discussions were politicized, was counter-productive. His delegation would therefore support the no-action motion, which was in full conformity with the rules of procedure.

71. Ms. GERVAIS-VIDRICAIRE (Canada), said that her delegation had consistently opposed no-action motions on resolutions concerning specific human rights situations before the Commission. While the rules of procedure might allow for such motions, to resort thereto in the current circumstances amounted to a denial of the Commission's very mandate. Her delegation thus strongly opposed the motion as a matter of principle.

72. The draft resolution before the Commission identified a number of positive considerations and they should be recognized. Her delegation had noted them. It also raised some important concerns about the human rights situation in China, concerns of which the members of the Commission should be permitted - and indeed had a responsibility - to express a viewpoint.

73. Mr. WIRAJUDA (Indonesia) said he noted with regret that a draft resolution against the People's Republic of China had once again been submitted. His delegation believed that there was more to be gained by promoting cooperation with countries in order to persuade them to adhere to internationally recognized norms and standards than by ostracizing them. Moreover, consensus had never been reached on the appropriateness of such a resolution. For those reasons his delegation would support the no-action motion.

74. Mr. AKRAM (Pakistan) said that, while his delegation seriously considered all proposals submitted by the United States, it could not support the draft resolution before the Commission because the criticisms of China were unjustified. In developing countries, the most pervasive violators of human rights were hunger and poverty. According to the latest United Nations Development Programme (UNDP) Human Development Report, China's achievements in development-oriented poverty reduction had provided a model for all developing countries. At no time in the past had the Chinese people enjoyed as much freedom, prosperity and human rights as they currently did.

75. China did cooperate with the United Nations human rights mechanisms; it had been visited twice by the High Commissioner for Human Rights and it had recently signed the International Covenant on Civil and Political Rights. He would have thought that the sponsor of the draft resolution could have found other situations of human rights violations - even in Asia - that were much graver than any that could possibly be imagined in China. There was, for instance, the plight of people suffering under foreign occupation and denial of the right to self-determination who were being slaughtered daily by foreign occupation troops. The double standard being applied seemed to suggest that the motivation behind the draft resolution was other than concern for human rights. The repeated submission of such draft resolutions raised questions. Perhaps the issue was China's economic success.

76. The draft resolution, if debated, would increase the political tension between the United States and China and the state of bilateral relations between those countries had profound implications for the world as a whole. Pakistan had long-standing relations of cooperation with both countries; it could not contribute to any action that would produce new strains between them. According to article 55 of the Charter, one of the purposes of the United Nations was the creation of conditions of stability and well-being which were necessary for peaceful and friendly relations among nations. The timing of the draft resolution, in the wake of recent events over the South China Sea, was particularly infelicitous. The Commission must help promote peaceful cooperation between the two countries.

77. Rule 65, paragraph 2 of the rules of procedure was meant for situations, when the consideration of a draft resolution would be contrary to the purposes of the Charter. That was why the no-action motion proposed by China was appropriate and should be supported. His own delegation would support it.

78. The Commission had rejected such draft resolutions nine times already. He believed that it would do so once again. He hoped that the sponsor of the draft resolution would refrain, in future, from such a divisive endeavour against China.

79. At the request of the representative of China, a vote was taken by roll-call on the motion that no action should be taken on draft resolution E/CN.4/2001/L.13.

80. Algeria, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour:	Algeria, Burundi, Cameroon, China, Cuba, India, Indonesia, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Niger, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Syrian Arab Republic, Thailand, Venezuela, Viet Nam, Zambia.
Against:	Belgium, Canada, Costa Rica, Czech Republic, France, Germany, Guatemala, Italy, Japan, Latvia, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.
Abstaining:	Argentina, Brazil, Colombia, Ecuador, Mauritius, Mexico, Peru, Republic of Korea, Senegal, South Africa, Swaziland, Uruguay.

81. The motion that no action should be taken on the draft resolution was adopted by 23 votes to 17, with 12 abstentions.

The meeting rose at 5.55 p.m.